

### **REMARKS**

Claims 1-45 were considered in the Office action dated October 26, 2004. The Office action rejects claims 1-45.

Accordingly, Applicant hereby cancels claims 29-36 and 39-45 without prejudice, and amends independent claims 1, 15, 28, 37, and 38, and dependent claims 4, 6, 14, 16, and 18. Support for the amendments appears in the original application, for example, at paragraphs [0015] to [0018] on pages 5 and 6. No new matter is added.

Applicants also add new claims 46-50. Support for these claims appears in the original application, for example, at paragraphs [0015] to [0018] on pages 5 and 6 and in Figures 1-3.

Following entry of this Amendment and Response, claims 1-28, 37-38, and 46-50 will be pending in this application. Of these, claims 1, 15, 28, 37, and 38 are independent claims, each of which are currently amended.

#### **The independent claims are amended to further distinguish from the cited art**

Independent claims 1, 15, 28, 37, and 38 are amended as reflected in the Listing of Claims. These claims each recite an “identifier” or a “fingerprint file”. The claims have been amended to stipulate that the identifier or fingerprint file is based at least in part on a user geometry file. Dependent claims 4, 6, 14, 16, and 18 have been amended accordingly.

The patent application describes methods of providing access to a software application, for example, an injection molding process simulator. An identifier or fingerprint file is associated with a user geometry file describing, for example, a molded part. In this way, application of the software can be limited so that the user can perform molding simulations only for the part(s) for which the user has paid.

Pages 5-6 of the patent application explain as follows:

The very first time the end user wishes to use the software, they attach to the ASP's [Application Service Provider's] e-commerce web site, select the simulation that they wish to run, and download an application to their local computer system. ... When an end user wishes to run a simulation, the end user reads the geometric description of the component to be produced into the local application, enters set-up information, and selects execution. This triggers the application to develop a

characteristic fingerprint of the job and to connect to the ASP's e-commerce web site.

Once the end user passes security and payment screening tests, a security key file, based on the fingerprint, is sent back to the end user's computer which enables the simulation to run. Subsequent attempts to run the application typically may not require a new security file to be downloaded, provided a same unique characteristic applies. According to one embodiment, the characteristic is a number, which is calculated from the geometry file, which is unique to that geometry file. In this embodiment, the end user may perform as many simulations on the same geometry as required varying process conditions, injection locations, etc. until the end user is satisfied with the results.

The Office action rejects independent claim 28 under 35 U.S.C. § 102(b) as being unpatentable over Waite et al. (U.S. Patent No. 5,222,134). The Office action rejects independent claims 1 and 37 under 35 U.S.C. 103(a) as being unpatentable over Hicks et al. (U.S. Patent No. 5,982, 892) and Benson (European Patent EP 0895149). Finally, the Office action rejects independent claims 15 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Penkava et al. (PCT Patent WO 95/35533) and Benson. The Office action further rejects dependent claims under 35 U.S.C. § 103(a) using various combinations of the above references, along with Yuval (U.S. Patent No. 5,586,186), Cooper et al. (U.S. Patent No. 5,757,908), and Jovicic (U.S. Patent No. 5,855,007).

None of the cited art describes or suggests an identifier or fingerprint file based on a user geometry file. With respect to dependent claims 46-50, it can be further noted that none of the cited references listed above describes or suggests methods for allowing access to a process simulation software application.

The cited references describe file content protection methods. They do not describe methods of limiting use of a software application based on a geometry file with which the software is meant to operate.

It appears that the Office action interprets the unamended claims to read on file content protection methods that simply use an identifier computed from the file that is to be protected. For example, with regard to independent claims 1 and 37, the Office action states on page 4, "Benson teaches a method of protecting a file from unauthorized access, including the step of calculating an identifier from a user file (Benson, page 9, lines 26-27)." With regard to independent claims 15 and 38, the Office action states on page 9, "... it would have been obvious to one of ordinary skill in the art at the time the invention was made to create an identifier for use in the invention disclosed by Penkava that was based at least in part on a user file, in a manner

similar to that disclosed by Benson. By including the user data files as part of protected subject matter, this would help prevent unauthorized users from viewing copies of the data (Benson, page 6, lines 21-32)." However, Benson deals with file content protection, not the enablement of software functionality as recited in the amended claims.

Since fewer than all of the claim limitations of any of amended independent claims 1, 15, 28, 37, and 38 are taught or suggested by the cited art, Applicants respectfully request that the rejection of claim 28 under 35 U.S.C. § 102(b) and the rejection of claims 1, 15, 37, and 38 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

Likewise, since a dependent claim includes all the limitations of the independent claim from which it depends, Applicants respectfully request that the rejection of dependent claims 2-14 and 16-27 under 35 U.S.C. § 103(a) be reconsidered and withdrawn.

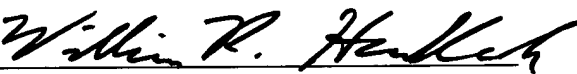
### CONCLUSION

In view of the foregoing, Applicants respectfully request allowance of claims 1-28, 37-38, and 46-50 in due course. The Examiner is hereby cordially invited to contact Applicants' undersigned representative by telephone at the number listed below to discuss any outstanding issues.

Respectfully submitted,

Date: February 25, 2005  
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